



The Local Government in Delhi (Disqualification for Membership) (Small Family) Act, 1996

Act 5 of 1998

Keyword(s):

Local Government, Member

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(ख) "सदस्य" का अर्थ कोई व्यक्ति जो किसी स्थानीय शासन में कोई पद धारण करता हो या दिल्ली राष्ट्रीय राजधानी क्षेत्र में निर्वाचन या नामांकन से भरा गया हो।

3. किसी स्थानीय शासन के अन्तर्गत किसी पद की सदस्यता हेतु अयोग्यता—यदि किसी व्यक्ति के पास दो से अधिक बच्चे हों, तो वह व्यक्ति दिल्ली राष्ट्रीय राजधानी क्षेत्र में कार्यरत स्थानीय शासन में सदस्य के रूप में चुने जाने के लिए अयोग्य होगा :—
लेकिन शर्त यह है कि इस अधिनियम के प्रारम्भ होने की तिथि से दस माह के भीतर जन्म लेने वाला कोई अतिरिक्त बच्चा इस अधिनियम के प्रयोजनों के लिए विचारणीय नहीं होगा। इसके आगे शर्त यह है कि दो बच्चों से अधिक बच्चे रखने वाला कोई व्यक्ति (यदि इस अधिनियम के प्रारम्भ होने की तिथि से दस माह के भीतर पैदा होने वाला कोई बच्चा हो, तो उसे छोड़कर) इस धारा के अन्तर्गत तब तक अयोग्य होगा, जब तक ऐसी लागू तिथि को बच्चों की संख्या नहीं बढ़ती है।

व्याख्या :— इस धारा के प्रयोजनों के लिए इस अधिनियम के प्रवृत्त होने की तिथि से दस माह के भीतर किसी गर्भ से अतिरिक्त बच्चा केवल एक बच्चे की बढ़ोतरी मानी जाएगी।

4. कठिनाईयाँ दूर करने की शक्ति—(1) यदि इस अधिनियम के किसी प्रावधान को लागू करने में कोई कठिनाई आती है, तो वह कठिनाई राजधानी क्षेत्र, दिल्ली जैसा कि उस अवसर पर आवश्यक हो अथवा जैसी शीघ्रता हो, उस कठिनाई को दूर करने के लिए दूर करने के लिए कुछ भी करेगी जैसा इसे आवश्यक प्रतीत हो।

(2) उपरोक्त उपधारा (1) के अन्तर्गत जारी किया गया प्रत्येक आदेश दिल्ली विधान सभा के पटल पर रखा जाएगा।

आर. टी. एल. डि. "सूजा, अवर सचिव (विधायी कार्य)"

LAW, JUSTICE AND LEGISLATIVE DEPARTMENT

Delhi, the 22nd April, 1998

No. F. 13(5)/98-LAD/186.—The following Act of the legislative Assembly received the assent of the President on 13-4-1998 and is hereby published for general information.

The Local Government in Delhi (Disqualification for Membership) (Small Family) Act, 1996.

(Delhi Act No. 5 of 1998).

(As passed by the Legislative Assembly of the National Capital Territory of Delhi).

An Act to provide for the disqualification for membership to an office of a local Government in the National Capital Territory of Delhi.

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty-Seventh year of the Republic of India as follows:—

1. **Short title, extent and commencement**—(1) This Act may be called local government in Delhi (Disqualification for Membership) (Small Family) Act, 1996.

(2) The Act extends to the local government in the Union Territory of the National Capital Territory of Delhi.

(3) It shall come into force at once.

2. **Definitions**—In this Act, unless the context otherwise requires:—

(a) "local government" means a panchayat (at village, intermediate or district level), a Municipality (including a Nagar Panchayat, a Municipal Council, a Municipal Corporation), an improvement trust, a district board, a mining settlement authority or other local authorities for the purpose of local government or village administration;

(b) "member" means a person who holds an office in a local government, which is filled by election or nomination by the Government of the National Capital Territory of Delhi;

3. **Disqualification for Membership to an office under a local government**—A person shall be disqualified from being chosen as, and for being, a member of local government functioning in the Union Territory of the National Capital Territory of Delhi if he has more than two children :

Provided that the birth within ten months from the date of commencement of this Act of an additional child shall not be taken into consideration for the purposes of this section :

Provided that a person having more than two children (excluding the child, if any, born within ten months of the date of commencement of this Act) shall not be disqualified under this section, so long as the number of children he had on the date of commencement does not increase.

For the purpose of this section, the addition of children from a pregnancy within ten months of the date of commencement of this Act shall be treated as addition of one child only.

Power to remove difficulties—(1) If any difficulty arises in giving effect to the provisions of this Act at any time, the Govt. of National Capital Territory of Delhi may, by order as occasion requires, do anything which appears to it necessary or expedient for the purpose of removing the difficulty.

(2) Every order made under sub-section (1) shall be laid before the Legislative Assembly of the National Capital Territory of Delhi.

R. T. L. D. SOUZA, Under Secy. (LA)